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OFFICE OF PETITIONS

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
LAURENCE LAVENDEL, et al. ) Examiner: S. Luu  
Application No.: 08/944,435 ) Group Art Unit: 2773  
Filed: October 6, 1997 )  
For: USER INTERFACE FOR IMAGE )  
ACQUISITION DEVICES : December 20, 2000

Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.137(b)  
TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Sir:

The Director is hereby Petitioned, under 37 C.F.R. § 1.137(b), to revive the above-identified application which became abandoned unintentionally. The cause of abandonment was failure to file a timely Notice of Appeal in response to the final rejection mailed June 7, 2000 (Paper No. 9).

Accompanying this Petition are the following:

(1) The required Notice of Appeal. The fee for the appeal should be charged to Deposit Account 06-1205, as indicated on that paper.

(2) The petition fee of \$1,240.00 as set forth at 37 C.F.R. § 1.17(m). In this regard, the petition fee of \$1,240.00 should be charged to Deposit Account 06-1205.

(3) The Statement specified at 37 C.F.R. § 1.137(b)(3), as follows: The undersigned states

that the entire delay in filing the required Notice of Appeal from its due date of December 7, 2000 until the filing of this Petition was unintentional. The FACTS below establish that this delay was unintentional.

(4) Since this application was filed after June 8, 1995, a Terminal Disclaimer is not required pursuant to 37 C.F.R. § 1.137(c).

#### FACTS

1. On June 7, 2000, the Examiner in charge of this application issued an Office Action (Paper No. 9) which he marked "final". Due to an error in docketing the Office Action, clerical staff in the undersigned's docketing department did not notice that the Office Action had been marked "final", and instead docketed the Office Action as "non-final".

2. Because of the error in docketing, the attorney in charge did not receive a reminder for filing of a Notice of Appeal, and the application became abandoned on December 7, 2000, which was the last date for filing a Notice of Appeal with full extensions.

3. The attorney in charge of this application first realized that the Office Action had been improperly docketed upon receipt of an Advisory Action dated November 30, 2000 (Paper No. 12). By that time, however, the deadline for filing a Notice of

Appeal had already passed.

4. This Petition followed immediately.

CONCLUSION

WHEREFORE the Director is hereby Petitioned to Grant this Petition and to restore this application to pending status.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
Attorney for Applicants

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